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PTO/SB/05 (11-00)

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# UTILITY PATENT APPLICATION TRANSMITTAL

Attorney Docket No. 15270-012100US

First Inventor

McLoughlin, Lisa, et. al.

Title

TRANSGENIC ANIMALS HARBORING APP ALLELE HAVING  
SWEDISH MUTATION

Express Mail Label No.

EV 346921499 US

(Only for new nonprovisional applications under 37 C.F.R. § 1.53(b))

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning design patent application contents.

1. ☐ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification (Total Pages 51)  
(preferred arrangement set forth below)
  - Descriptive title of the Invention
  - Cross References to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C.113) (Total Sheets 4)
5. Oath or Declaration (Total Pages 1)
  - a. ☐ Newly executed (original or copy)
  - b. ☒ Copy from a prior application (37 CFR 1.63 (d)) (2 pages)  
(for a continuation/divisional with Box 18 completed)
  - c. ☒ Copies of Supplemental Declarations (4 pages)
    - i. ☒ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s)  
named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b). (1 page)
    - ii. ☒ ADDITION OF INVENTOR  
Petition under 37 CFR § 1.48(a)(1) (2 pages)
6. ☒ Application Data Sheet. See 37 CFR 1.76 (4 pages)

## ADDRESS TO

Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ paper number of pages
  - c. ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATIONS PARTS

9. ☒ Copy of Recorded Assignment Papers from Prior Application (5 pages)
10. ☐ 37 C.F.R. § 3.73(b) Statem ☐ Power of Attorney (when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement (IDS)/PTO-1449 (17 pages) ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment (3 pages)
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Request and Certification under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent
17. ☒ Other: Copy of Consent of Assignees to Correct Inventorship (1 page); Copy of Statement under 37 CFR § 1.48 (a)(4) (2 pages); Copy of Amendment under 37 CFR § 1.48(a) to Correct Inventorship (1 page); Copy of Statement under 37 CFR § 1.48 (a)(1) (2 pages).

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

of prior application No: 09 / 838,556

Prior application information: Examiner D. Crouch

Group Art Unit: 1632

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label

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or ☐ Correspondence address below

Name (Print/Type)	Joe Liebeschuetz	Registration No. (Attorney/Agent)	37,505
Signature			Date 6/27/03

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

PA 3314677 v1

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**PATENT**  
Attorney Docket No.: 15270-000423

Honorable Commissioner for Patents  
Washington, D.C. 20231

On August 2, 1999

TOWNSEND and TOWNSEND and CREW LLP

By: Harlan Currell

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Lisa C. McConlogue et al.

Application No.: 09/209,647

Filed: December 10, 1998

For: TRANSGENIC ANIMALS  
HARBORING APP ALLELE HAVING  
SWEDISH MUTATION

Examiner: Unassigned

Art Unit: Unassigned

PETITION UNDER 37 CFR § 1.48(a)(1)

Honorable Commissioner for Patents  
Washington, D.C. 20231

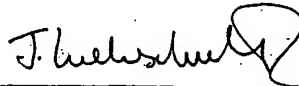
Sir:

The Assignees and Inventors of U.S. Patent Application Serial No. 09/209,647, hereby request that SUKANTO SINHA, a citizen of India, residing at 808 Junipero Serra Blvd., San Francisco, CA., 94127, be added as an inventor of this patent application. Please charge the \$130 fee specified in 37 C.F.R. 1.17(i) for filing this petition to the undersigned's Deposit Account No. 20-1430.

We also enclose with this petition the following papers that are required under 37 C.F.R. § 1.48(a): Statement of Sukanto Sinha; oath or declaration of actual inventors; and Statement of assignees of the entire interest in U.S. Patent Application Serial No. 09/209,647.

As indicated on the enclosed statement of Sukanto Sinha, the error in not naming him as an inventor arose without any deceptive intent on his part. If there are any other fees due in connection with the filing of this petition, please charge the fees to our Deposit Account No. 20-1430. If there are any other fees due under 37 C.F.R. § 1.16 or 1.17 which are not enclosed, please charge those fees to our Deposit Account No. 20-1430. This Petition is submitted in duplicate.

By: \_\_\_\_\_



Joe Liebeschuetz  
Reg. No. 37,505

July, 26, 1999

Dated: June \_\_\_\_\_, 1999

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: (415) 576-0200  
Fax: (415) 576-0300  
JOL:nsc

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**PATENT**  
Attorney Docket No.: 15270-000423

Honorable Commissioner for Patents  
Washington, D.C. 20231

On August 2, 1999

TOWNSEND and TOWNSEND and CREW LLP

By: Nathan Cornell

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Lisa C. McConlogue et al.

Application No.: 09/209,647

Filed: December 10, 1998

For: TRANSGENIC ANIMALS  
HARBORING APP ALLELE HAVING  
SWEDISH MUTATION

Examiner: Unassigned

Art Unit: Unassigned

STATEMENT UNDER 37 CFR § 1.48(a)(1)

Honorable Commissioner for Patents  
Washington, D.C. 20231

Sir:

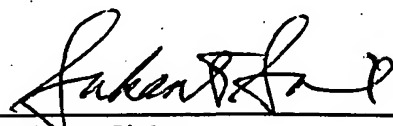
I, Sukanto Sinha, hereby state that the error in inventorship in U.S. Patent Application Serial No. 09/209,647, which omitted my name as an inventor, occurred without any deceptive intention on my part.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the

United States Code, and that such willful false statements may jeopardize the validity of U.S.

Patent Application Serial No. 09/209,647 or any patent issued thereon.

Date: 6/14/99

  
Sukanto Sinha  
808 Junipero Serra Blvd.  
San Francisco, CA 94127

PA 194499 v1

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By

M. Diane Dubé

COPY

15270-4-2-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

DALE B. SCHENK ET AL.

Serial No.: 08/148,211

Filed: November 1, 1993

For: TRANSGENIC ANIMALS  
HARBORING APP ALLELE  
HAVING SWEDISH MUTATION

) Examiner: Unknown

) Art Unit: Unknown

) CONSENT OF ASSIGNEES TO  
) CORRECT INVENTORSHIP

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

The undersigned, on behalf of ATHENA NEUROSCIENCES, INC. and ELI LILLY AND COMPANY, assignees of the entire interest in the above-captioned patent application, hereby consent to the correction of the subject patent application to delete DALE B. SCHENK as an inventor.

The undersigned have reviewed the attached unrecorded Assignment of the above-referenced application. The undersigned certify that, to the best of their knowledge and belief, title to the subject application is in ATHENA NEUROSCIENCES, INC. and ELI LILLY AND COMPANY.

ATHENA NEUROSCIENCES, INC.

Date: August 22, 1994

By:

Joseph F. Murphy

Title:

Vice President, Legal Affairs

ELI LILLY AND COMPANY

Date:

8/29/94

By:

[Signature]

Title:

Vice President

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**PATENT**  
Attorney Docket No.: 15270-000423

Honorable Commissioner for Patents  
Washington, D.C. 20231

On August 2, 1999

TOWNSEND and TOWNSEND and CREW LLP

By: Matthew Conell

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Lisa C. McConlogue et al.

Application No.: 09/209,647

Filed: December 10, 1998

For: TRANSGENIC ANIMALS  
HARBORING APP ALLELE HAVING  
SWEDISH MUTATION

Examiner: Unassigned

Art Unit: Unassigned

STATEMENT UNDER 37 CFR § 1.48(a)(4)

Honorable Commissioner for Patents  
Washington, D.C. 20231

Sir:

We, the undersigned, on behalf of ELAN PHARMACEUTICALS, INC. and ELI LILLY AND COMPANY, assignees of the entire interest in U.S. Patent Application Serial No. 09/209,647, hereby agree to the change of the inventorship in that application by adding SUKANTO SINHA as an inventor.

We have reviewed the attached copy of the recorded Assignment which was recorded at Reel 6998, beginning at Frame 0148, in the parent case, U.S. Patent No. 5,612,486, and attached copies of the Assignment from Athena Neurosciences, Inc. to Elan Pharmaceuticals, Inc., which was submitted to the U.S. Patent and Trademark Office for recordation on April 28, 1999, and the Assignment from Sukanto Sinha to Elan Pharmaceuticals, Inc. and Eli Lilly And

Company, which will be submitted for recordation, and certify in accordance with 37 C.F.R. § 3.73(b) that to the best of our knowledge and belief, title to U.S. Patent Application Serial No. 09/209,647 is in ELAN PHARMACEUTICALS, INC. and ELI LILLY AND COMPANY.

We hereby declare that all statements made herein of our own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of U.S. Patent Application Serial No. 09/209,647 or any patent issued thereon.

ELAN PHARMACEUTICALS, INC.

Date: July 12, 1999

By: [Signature]

Title: \_\_\_\_\_

ELI LILLY AND COMPANY

Date: 7/20/99

By: [Signature]

Title: \_\_\_\_\_



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Date of Deposit 6/27/03

PATENT  
Docket No.: 015270-012100US

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

By: \_\_\_\_\_

*Kenneth C. Crouch*

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Lisa C. McConlogue et al.

Application No.: To Be Assigned

Filed: Herewith

For: TRANSGENIC ANIMALS  
HARBORING APP ALLELE HAVING  
SWEDISH MUTATION

Examiner: Crouch, D.

Art Unit: 1632

Statement Under 1.63(d) and 1.33(b)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants request deletion of Dale Schenk originally named as an inventor of the prior application from the present case.

Respectfully submitted,

*J. Liebeschuetz*

Joe Liebeschuetz  
Reg. No. 37,505

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
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PA 3314934 v1